

House File 282 - Introduced

HOUSE FILE 282

BY SWAIM

A BILL FOR

1 An Act relating to damages recoverable for the wrongful or
2 negligent injury or death of a person.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 613.15, Code 2011, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **613.15 Injury or death of spouse or parent — measure of**
4 **recovery.**

5 A spouse or child of a person may recover for the expense and
6 actual loss of support, services, companionship, and society
7 resulting from injury to or death of the person.

8 Sec. 2. Section 633.336, Code 2011, is amended to read as
9 follows:

10 **633.336 Damages for wrongful death.**

11 1. When a wrongful act produces death, damages recovered
12 as a result of the wrongful act may include damages for the
13 decedent's loss of enjoyment of life and shall be disposed of
14 as personal property belonging to the estate of the deceased;
15 however, if the damages include damages for loss of services
16 and support of a deceased spouse, parent, or child, the damages
17 shall be apportioned by the court among the surviving spouse,
18 children, and parents of the decedent in a manner as the
19 court may deem equitable consistent with the loss of services
20 and support sustained by the surviving spouse, children, and
21 parents respectively. Any recovery by a parent for the death
22 of a child shall be subordinate to the recovery, if any, of
23 the spouse or a child of the decedent. If the decedent leaves
24 a spouse, child, or parent, damages for wrongful death shall
25 not be subject to debts and charges of the decedent's estate,
26 except for amounts to be paid to the department of human
27 services for payments made for medical assistance pursuant to
28 chapter 249A, paid on behalf of the decedent from the time of
29 the injury which gives rise to the decedent's death up until
30 the date of the decedent's death.

31 2. For the purposes of this section, "loss of enjoyment
32 of life" is measured separate and apart from the economic
33 productive value the decedent would have had if the decedent
34 lived and such damages shall not be duplicative of damages
35 recoverable under sections 613.15 and 613.15A.

1 EXPLANATION

2 This bill relates to damages recoverable for the wrongful or
3 negligent injury or death of a person.

4 The bill provides that a spouse or child of a person may
5 recover for the expense and actual loss of support, services,
6 companionship, and society resulting from injury to or death
7 of the person.

8 The bill also provides that, in regard to Iowa's wrongful
9 death statute under Code section 633.336, damages recoverable
10 may include damages for a decedent's loss of enjoyment of life,
11 measured separate and apart from the economic productive value
12 the decedent would have had if the decedent lived and such
13 damage shall not be duplicative of damages recoverable in an
14 action for the injury or death of a spouse or parent and in an
15 action for injury or death of a child.